

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAQUOI YATES, as Personal Representative
of the Estate of KAYDEN BOOKER,
a deceased minor,

Plaintiff,

Case No. 1:16-cv-155

Hon. Paul L. Maloney
United States District Judge

v.

UNITED STATES OF AMERICA et al.,

Defendants.

**JOINT MOTION TO EXTEND DISCOVERY PERIOD
AND AMEND CASE MANAGEMENT ORDER**

The parties, by their respective counsel, hereby move the Court for a 60-day extension of the discovery deadline and for amendment of the remaining deadlines in the Case Management Order. In support of this motion, they state the following:

1. This is a medical malpractice case with complex causation issues pertaining to the death of a baby at the time of birth. The parties have been diligently conducting discovery, and are continuing to coordinate discovery in this case with discovery in the Berrien County Circuit Court case arising from the same labor and delivery as this action. The parties have deposed the medical providers involved and are scheduling and conducting expert witness depositions.
2. Discovery closes on March 28, 2017. The dispositive motion deadline is April 28, 2017. The Final Pretrial Conference is set for October 23, 2017, and trial is currently set for November 14, 2017.

3. Due to the complexity of the issues involved, the number of experts identified in the cases, and difficulties finding available deposition dates that work for the experts and all parties involved in the cases, an extension of the discovery deadline is necessary. At this time, it appears that the parties to the federal case will be able to complete the depositions of experts named in the federal case by the end of May 2017. The first mutually agreeable date for Plaintiff's pathology expert and all attorneys is in April 2017 and the first mutually agreeable date for Defendant's pathology expert and all attorneys is in May 2017. One additional deposition of an expert named in the federal case remains to be scheduled. The parties to the state case have named additional experts that remain to be scheduled, and they anticipate seeking an extension of their deadlines in that case as well.
4. This is the parties' first request for an extension of the discovery deadlines.
5. Extending the discovery deadline will necessitate extending the deadline for dispositive motions, and, accordingly, may require a new date for trial and the final pretrial conference.

WHEREFORE, the parties respectfully request that this Court grant an extension of discovery until May 26, 2017, and that the Court similarly amend the remaining deadlines in the Case Management Order.

Respectfully submitted,

ANDREW BYERLY BIRGE
Acting United States Attorney

Dated: February 2, 2017

/s/ Ryan D. Cobb

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Dated: February 2, 2017

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